

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**  
**Plaintiff**

**v.**

**JAVIER OSCAR BAEZ-PANIAGUA**  
**Defendant**

**Criminal No. 05-413 (ADC)**

**ORDER**

Before the Court is an unopposed Report and Recommendation issued by Magistrate-Judge Gustavo A. Gelpí on May 17, 2006. (**Docket No. 21.**) In said Report and Recommendation the Magistrate-Judge recommends that: defendant **Javier Oscar Báez-Paniagua** be adjudged guilty of the offenses charged in Count I (8 U.S.C. §§ 1326(a)(1) and (b)(2)) inasmuch as, his plea of guilty was intelligently, knowingly and voluntarily entered.

Neither party has filed objections to the Magistrate-Judge's Report and Recommendation within the time frame provided by the Federal Rules of Criminal Procedure and this Court's Local Rules. See Fed. R. Crim. P. 11; 28 U.S.C. § 636(b)(1)(B); D.P.R. Local Crim. R. 147(b).

After reviewing the record, the Court agrees with the arguments, factual and legal conclusions within the Report and Recommendation. Therefore, the Court hereby **APPROVES** and **ADOPTS** the Magistrate-Judge's Report and Recommendation in its entirety.

Accordingly, a judgment of conviction is to be entered as to Count I of the indictment in the above-captioned case.

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This case was referred to the U.S. Probation Office for preparation of a Presentence Investigation Report on May 17, 2006. **The sentencing hearing is set for July 31, 2006 at 2:00 p.m.**

**SO ORDERED.**

At San Juan, Puerto Rico, this 26<sup>th</sup> day of June, 2006.

**S/AIDA M. DELGADO-COLON**  
**United States District Judge**